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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,115	08/01/2000	Gregory I. Bohach	12136.IUSWO	4351

7590 10/01/2002
Merchant & Gould
P O BOX 2903
Minneapolis, MN 55402-0903

EXAMINER

NAVARRO, ALBERT MARK

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 10/01/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents


The reply filed on September 11, 2002 is not fully responsive to the
prior Office action because of the following omission(s) or matter(s):

Applicant's have only elected the generic protein, however the restriction
mailed December 19, 2001 also required restriction to type A, B, C, D, E, G,
or H, Staphylococcal enterotoxin... etc. No election as to the unique
structure of the protein has been made. See 37 CFR 1.111.

As set forth in MPEP 803.04 biological molecules with separate sequences
are structurally distinct chemical compounds and are unrelated to one another.
These sequences are thus deemed to normally constitute independent and
distinct inventions within the meaning of 35 USC 121. Absent evidence to the
contrary, each such protein sequence is presumed to represent an independent
and distinct invention, subject to a restriction requirement pursuant to 35
USC 121 and 37 CFR 1.141. In view of the complex nature of the claimed
polypeptide molecules, Applicant's are required to elect a single independent
and distinct protein for prosecution as set forth in MPEP 803.04.

Since the above-mentioned reply appears to be *bona fide*, applicant is
given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date
of this notice, whichever is longer, within which to supply the omission or

correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY
BE GRANTED UNDER 37 CFR 1.136(a).



Mark Navarro

Primary Examiner

September 30, 2002